INTERSESSION REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES IN AFRICA

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Chairperson of the Working Group

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In accordance with Rule 23(3) of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in my capacity as the Chairperson of the Working Group on Indigenous Populations/Communities (the Working Group), I present this report on the promotion activities carried out since the 56th Ordinary Session of the Commission held in Banjul, The Gambia, from 21 April to 7 May 2015.

1. Dakar, 12 to 15 May 2015: Participation in the Global Land Forum

On 13 May, I chaired a round-table session under the theme “Indigenous Peoples’ Rights to Land, Territory and Resources in Africa” during the Global Land Forum which was organised by the International Land Coalition (ILC) under the general theme: “Land Governance for Inclusive Development, Justice and Sustainability: Time for Action”, in collaboration with the National Commission on Agrarian Reform and other ministerial departments of Senegal.

The round-table session was attended by the Ogiek Peoples’ Development Program, Mbororo Social and Cultural Development Association (MBOSCUDA), and Union for the Emancipation of Indigenous Women (UEFA). Discussions were held on the land rights of indigenous peoples within various frameworks and in international instruments. It was noted that despite their existence, these rights are yet to be recognised by most African countries.

Participants discussed the main trends, challenges and opportunities towards promoting the integration of the land rights of indigenous peoples in Africa into the ILC Plan of Action. Issues discussed also included gender equality regarding access to land, in particular through alternative dispute resolution mechanisms, joint land titles, and promoting civil society networks.
I made a presentation on the role and contribution of the African Commission, through its Working Group, in promoting and protecting the rights of indigenous peoples in Africa.

2. Study on Extractive Industries

As it will be recalled from my last inter-session report to the Commission, the Working Group organized a validation Seminar on the Study on Extractive Industries in Windhoek, Namibia, where several useful feedbacks were received from participants. I am now happy to report that the Consultant working on the Study has incorporated all the comments, and the Study will be tabled before the Commission for adoption at this Session of the Commission.

3. Publication and Launching of the Tanzania Report

The Report of the Research and Information Visit to the United Republic of Tanzania (2013) that was adopted by the Commission at its 15th Extraordinary Session held in Banjul (Gambia) in March 2014 is now available in hard copy. The report will be officially launched in the United Republic of Tanzania in collaboration with the Commission on Human Rights and Good Governance of Tanzania this month (November). Dr. Naomi Kipuri, a member of the Working Group who also undertook the mission, will participate in the launching ceremony on behalf of the Working Group. The soft copy of the report can be accessed at http://www.iwgia.org/publications/search-pubs?publication_id=719

We urge all stakeholders from the government to civil society organizations and UN agencies to read the report and work together towards the implementation
of the recommendations in the Report. The Working Group/Commission is always open and ready to assist, within the bounds of its mandate and resources, to assist such efforts.

I urge the Government of the United Republic of Tanzania and other stakeholders to report on the status of implementation of the recommendations when presenting the next periodic report.

4. Course in Pretoria

The one week course on the rights of indigenous peoples began as a tripartite project between the WGIP, University of Pretoria and ILO. It began in 2011 and has been running for the fifth time this year. Members of the WGIP also served as organizers and resource persons. The Pretoria course turned out to be an important project bringing together various social actors involved in indigenous peoples’ rights issues including from government, indigenous peoples’ organizations and other human rights and development NGOs.

After the fourth course, the WGIP believed that the course needed improvement and decided to be involved from designing the course to implementation. A member of the WGIP was assigned to be involved in organizing the course two months before the beginning of the course. A course description and guidelines for resource persons were drawn up as well as a guideline for participants. The content of the course was changed and more new elements introduced, the number of resource persons was reduced but highly qualified resource persons were brought in. These preparations helped the improvement of the course a great deal. Presentations by resource persons were focused and participation by participants significantly improved.
The Course is given every year in September at the University of Pretoria, South Africa. Those who are interested in and/or work on indigenous peoples’ rights issues are highly encouraged to apply. For more information visit the website of the Centre for Human Rights of the University of Pretoria at http://www.chr.up.ac.za/index.php/ahrc-courses/ipr-course.html

5. Meeting of the Working Group

The Working Group held its second biennial meeting of the year from 1 – 2 November. At the meeting the Working Group discussed various agenda items including its strategic plan for the next three years, status and future of funding, and also heard status update report on the situation of indigenous peoples’ from indigenous peoples representatives from Kenya.

The Working Group also met with representatives of NGOs working on indigenous peoples’ issues that participated at the NGO Forum and deliberated on ways and means of further strengthening the working relation between the Working Group and civil society organizations.

6. Conference on the Outcome Document of the WCIP

In September 2014, the United Nations held the first ever World Conference on Indigenous Peoples (WCIP), which brought together UN member states, indigenous peoples organisations and other stakeholders. The WCIP led to the adoption of an Outcome Document, negotiated between UN member states and indigenous peoples. The Outcome Document is not a new international treaty or instrument on indigenous peoples, but a tool for implementation of the UNDRIP and other relevant international instruments regarding indigenous peoples’ rights. The Outcome Document outlines key commitments, responsibilities and
role-playing of various actors for the realisation of indigenous peoples’ rights, as enshrined in all relevant international instruments. The Outcome Document requires, among others, States to develop national action plans for the implementation of the UNDRIP.

As I indicated in my last report, the Working Group participated, on behalf of the Commission, in both the preparatory process and the formal sessions of the WCIP. The Working Group also held briefing meetings with several African States and African Union representatives in New York on the sidelines of the WCIP.

The Working Group expects that the Outcome Document will become a cornerstone for the implementation of the UNDRIP. The Outcome Document is equally expected to guide the implementation of relevant international and national processes, including the Post 2015 development agenda. Nonetheless, the Outcome Document remains unfamiliar to many stakeholders in Africa.

Accordingly, in line with its mandate to raise awareness about relevant international human rights instruments, the Working Group is organizing a Conference on the Outcome Document of the WCIP in Yaoundé, Cameroon, in December. Cameroon has been selected because of its openness to and commendable work on indigenous peoples’ rights and hence the Working Group firmly believes that Cameroon can set a positive trend on the continent by being the first country in implementing the recommendations of the Outcome Document.

The Conference has two main objectives:

a) Enhancing national ownership of the Outcome Document. The workshop will address the knowledge gap on the Outcome Document
among key national actors, including national human rights institutions, parliamentarians, indigenous communities/organizations, government officials, civil society organizations, private sector, development partners and academics.

b) To trigger multi-stakeholders dialogue for the operationalization of the Outcome Document at the national level in African countries.

Depending on the availability of funds the Working Group has plans to organize similar conferences in other countries. We therefore welcome and encourage states, civil society organizations and funders that are willing to work with the Working Group in organizing such conferences, in particular ahead of the celebration of 2016 as African Year of Human Rights.

Other planned activities for the forthcoming inter-session period include a visit to the Republic of South Africa and a workshop in the Republic of Congo.

7. Monitoring the Situation of Indigenous Peoples’ on the Continent

During the inter-session the Working Group continued to monitor the situation of indigenous peoples’ rights on the continent. It has been closely monitoring developments in Ethiopia with regards to the situation of indigenous peoples’ representatives who were traveling to Kenya to attend a conference on the issue of indigenous peoples’ rights in the region.

The Working Group has also been following developments in Kenya, particularly in relation to the establishment of a task force on the implementation of the Endorois decision of the African Commission. Although the Working Group has not yet managed to get an official confirmation from the Government
on the issue, credible reports indicate that the Task Force was established this year.

The objective of the Working Group, in accordance with its mandate, is to propose to the African Commission concrete measures that will help to promote and protect the rights of indigenous communities in Africa.

In this regard, I call on States Parties to collaborate with the Working Group by responding to our various correspondences and Urgent Appeals, and also by implementing the decisions and recommendations of the African Commission. I also encourage civil society organisations and NGOs working on indigenous peoples’ issues at the national level to send us their activity reports on the progress made and the challenges faced in their work, towards the promotion of the rights of indigenous peoples.